REMARKS

Overview

Claims 1-3, 5-6, 8-16 and 18 are pending in this application. Claims 4, 7 and 17 have been cancelled. Claims 1-3, 5, 6, 8-16 and 18 have been rejected for obviousness. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Issues Under 35 U.S.C. § 103

Claims 1, 3, 5, 6, and 8-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,825,648 to Karnowski in view of U.S. Patent No. 6,229,450 to Malmsten. This rejection is respectfully traversed. Karnowski does disclose maintaining of time of power outage duration in order to update the time that is displayed (col. 3, line 66-col. 4, line 2). Karnowski does not display the duration of power outage, or otherwise alert the user of the duration of the power outage as the Examiner acknowledges (Office Action, page 2). Rather, Karnowski solves the problem of maintaining accurate time on a clock and updating the clock after power interruption (Abstract). Karnowski is not related to and does not disclose the problems associated with the duration of the power outage on the device associated with the clock. In particular, Karnowski does not address the problem that power outages can have on household appliances, particularly when a user is not aware that a power outage has occurred or aware of the duration of the power outage. Thus, even if Karnowski was incorporated into an appliance, such as a refrigerator, Karnowski would be useless for solving the problems addressed by the present invention. Karnowski is a complete solution to the problem of maintaining time on a clock despite power interruptions.

Malmsten discloses a dedicated power interruption monitoring apparatus that monitors interruptions in utility power (Abstract). Malmsten does not disclose monitoring power outage duration in specific devices, but rather of utility power generally (Abstract). To that end, Malmsten is a dedicated, independent device for monitoring utility power. Malmsten thus is not a part of the household appliance. Therefore, Malmsten does not perform the step of "determining by the household appliance of a prior occurrence of a power outage to the appliance" or the step of "computing by the household appliance of the duration of the power outage" as required by claim 1. The Specification at paragraph [0028] discloses that household appliances include refrigerators, dishwashers, and laundry appliances. The utility power monitoring apparatus of Malmsten is not a household appliance. One of the stated objectives is the portability of the unit (col. 3, lines 42-50). In addition, Malmsten does not determine the "prior occurrence" of a power outage. Rather, Malmsten actually times the duration of a power outage (col. 3, lines 24-30).

Thus, the display of Malmsten is powered by the battery. During the power interruption, Malmsten times the power interruption (col. 3, lines 5-7). Timing of a power outage is a significantly different methodology than "computing . . . of a duration of the power outage" of claim 1 where the power outage is a "prior" power outage. The timing of Malmsten occurs during the power outage. The "computing" of the duration "of a prior occurrence of a power outage" of claim 1 occurs after the power outage. When the limitations of claim 1 are properly understood, Malmsten does not disclose either "determining by the household appliance of a prior occurrence of a power outage to the appliance" or "computing by the household appliance of a duration of the power outage."

The Examiner indicates that it would have been obvious to combine the power outage duration display of Malmsten to the system of Karnowski for the purpose of apprising the user of details of the outage (Office Action, page 3). The Applicants respectfully disagree.

Malmsten and Karnowski rely upon divergent principles of operation to solve fundamentally different problems. Karnowski is intended to eliminate any need for a battery, and Malmsten requires a battery. Karnowski is directed towards reliable updating of a time clock. Malmsten does not update its clock. Karnowski is a low cost modification to devices with clocks. Malmsten is a complete portable stand alone device. These significant differences in purpose and principle of operation between Malmsten and Karnowski and between the present invention of claim 1 and Malmsten make clear that the Examiner is merely applying improper hindsight in combining these references.

Karnowski is directed towards solving a very different type of problem than what Malmsten is directed towards. As Karnowski is directed towards a reliable time updating clock (Abstract) there would be no motivation in Karnowski to apprise a user of the duration of power outage. The motivation or suggestion to combine would also not come from Malmsten. Malmsten is directed towards a dedicated device specifically for measuring power outages. The device of Malmsten is specifically described as being "battery-operated" (col. 1, lines 36-41). This provides for apprising a user of the details of a power outage during the power outage itself (col. 2, lines 55-58). Therefore, these devices are directed towards solving different problems that by definition would need to be solved in different ways. Therefore, it is respectfully submitted that this rejection should be withdrawn, with respect to claim 1. As claims 3, 5, 6 and 8 depend from claim 1, these rejections should also be withdrawn.

Similarly, claim 9 requires "determining by the household appliance of a duration of the power outage" and "alerting a user of the duration of the power outage." For the reasons expressed with respect to claim 1, this rejection should also be withdrawn as there is not a proper motivation or suggestion to combine in Karnowski or Malmsten.

Claims 2, 12-16, and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Karnowski and Malmsten and further in view of U. S. Patent No. 4,466,074 to Jindrick et al.

Jindrick discloses a power outage timer that forms a part of an electronic watt-hour meter (Abstract). In Jindrick, the duration of a power outage is used to update the time (col. 2, lines 64-col. 3, line 20). The electronic watt-hour meter can be connected to circuit breakers which are in turn connected to any kind of load -- including refrigerators (col. 2, line 52). The power outage timer of Jindrick is not, however, a part of the refrigerator. Therefore, it would not be obvious to combine these references in the manner proposed by the Examiner. Therefore, it is respectfully submitted that these rejections to claim 2, 12-16, and 18 should be withdrawn.

For the same reason, the Examiner should also withdraw the rejection to claims 13-15 and 18 as well, as Jindrick does not disclose that the monitoring device is a part of a refrigerating device.

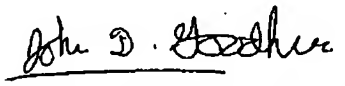
Double Patenting

Claims 4, 7 and 17 are rejected under 35 U.S.C. § 101 as claiming the same invention as claims 1, 7, and 12 of U. S. Patent No. 6,711,908. These claims are cancelled thereby mooting these rejections.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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